



GABRIEL P. HARVIS
BAREE N. FETT

December 10, 2015

BY ECF

Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Holmes v. City of New York, et al.*, 14 CV 10232 (KBF)

Your Honor:

I represent plaintiff in the above-referenced action. I write to respectfully request a two-week extension of fact discovery, for plaintiff only, from December 14, 2015 until December 28, 2015. Defendants take no position on plaintiff's application.

As the Court may recall, following motion practice relating to defendants' delays in the production of discovery, the Court ordered that discovery close for defendants on November 13, 2015, but that plaintiff be allowed an additional thirty days to conduct fact discovery. *See* ECF no. 41. Since that time, plaintiff has deposed five of the six defendants, along with three additional non-party witnesses. Plaintiff has scheduled an additional non-party witness for deposition tomorrow, and is attempting to complete two additional depositions, including the final defendant, this coming Monday.

However, several issues – each outside of plaintiff's control – require plaintiff to seek the instant final extension. First, at a deposition yesterday, plaintiff learned for the first time the identities of two eyewitnesses to the disputed events. It is not practicable for plaintiff to now depose those witnesses in advance of Monday's deadline. Second, none of the documents relating to defendant Williams have been produced to date. Defendants represent that they are working on obtaining and producing them now. Third, plaintiff served supplemental discovery demands in November and expects

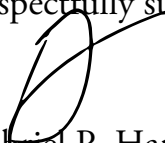
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defendants' responses in the next two days. Plaintiff would like to evaluate the sufficiency of those responses before discovery closes. Lastly, a non-party witness scheduled for this coming Monday has been subpoenaed for a second time after having failed to appear earlier this week. Should the witness fail to appear again, plaintiff anticipates seeking assistance from the Court and would like a window of time in which to make that application.

Accordingly, plaintiff respectfully requests a two-week extension of his fact discovery deadline, from December 14th until December 28th.¹

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis

cc: ACC Pernell M. Telfort, Esq.

¹ The proposed extension will not affect any other previously-scheduled deadlines.